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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Hofgen, et al.  
Serial No. 10/824,342  
Filed April 14, 2004  
For 5-HYDROXYINDOLES WITH N-OXIDE GROUPS AND  
THE USE THEREOF AS THERAPEUTIC AGENTS  
Art Unit 1625  
Examiner P. L. Morris

January 18, 2006

This is to certify that this correspondence is being sent by facsimile to 1-571-273-8300 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Va. 22313-1450 on the date shown below

*Eileen Sheffield*  
Eileen Sheffield Date 1/18/06

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Responsive to the office action mailed December 22, 2005, applicants elects to prosecute the claims of group I, with traverse. Applicants also elect compound No. 1, disclosed at page 19, lines 19-21 as the species, with traverse.

The compounds of the formula I represent a single general inventive concept. All of the compounds represented by formula I are substituted 5' hydroxy indoles with N-oxide groups which exhibit, in addition to the common structural properties, inhibition of phosphodiesterase 4. It is not believed that it would be an undue burden on the Examiner to search additional species or related processes of preparation or method of use given the common technical features described above.

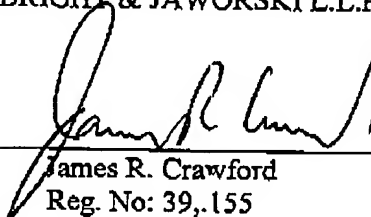
25615648.1

Applicants reserve the right to pursue any and all unclaimed or non-elected subject matter in related divisional, continuation or continuation-in-part applications.

Please charge any fees due to deposit account no: 50-0624.

Respectfully submitted

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